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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

CAROLINE S. JONES and D.L. JONES,
wife and husband,

Plaintiffs,

vs.

COCHISE HEALTH AND WELLNESS, PLC,
an Arizona corporation; PROGRESSIVE
HEALTHCARE GROUP, INC, an Arizona
corporation; GLENN ROBERTSON, M.D.; and
JANE DOES 1-5; ABC PARTNERSHIPS 1-5; and
XYZ CORPORATIONS 1-5,

Defendants.

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FIRST AMENDED COMPLAINT
(MEDICAL MALPRACTICE)

Assigned to: Hon. Karl Elledge

Plaintiffs allege as follows:

COUNT ONE

I.

All acts and events complained of herein occurred in Cochise County, Arizona.
Defendant GLENN ROBERTSON, M.D., is a licensed health care provider in Arizona.
Defendants COCHISE HEALTH AND WELLNESS, PLC and PROGRESSIVE
HEALTHCARE GROUP, INC, are licensed Arizona corporations. The Defendants either

FILED

2016 FEB 19 PM 12:16

MARY ELLEN DUNLAP
CLERK OF SUPERIOR COURT

DEPUTY

SV

1 reside in Cochise County, do business in Cochise County, or caused an event to occur in
2 Cochise County.

3
4 II.

5 On or about May 29, 2014, and continuing thereafter, Defendants
6 GLENN ROBERTSON, M.D., COCHISE HEALTH AND WELLNESS, PLC, and
7 PROGRESSIVE HEALTHCARE GROUP, INC, undertook the care and treatment of
8 Caroline Jones, and that Defendants were negligent in their diagnosis and/or care
9 and/or treatment of Caroline Jones. Caroline Jones was a patient of Dr, Robertson at
10 Progressive Healthcare Group, Inc. On May 29, 2014, Dr. Robertson treated Caroline
11 for complaints of headache, double vision and jaw pain. He assessed she had Right
12 Otitis Media, Congestion of Nasal Sinus, Headache- bifrontal, Postnasal drip, and
13 Diplopia. On June 3, 2014, St. Joseph's Hospital diagnosed Caroline with temporal
14 arteritis and, after in-hospital IV steroid treatment, began her on 60 mg per day of
15 prednisone.
16
17

18 On or around July 9, 2014 Caroline Jones had a follow-up appointment
19 with Dr. Robertson at Cochise Health and Wellness, PLC. From on or around July 9,
20 2014 to on or around January 13, 2015, Caroline Jones had multiple appointments with
21 Dr. Robertson. During the course of the visits, Dr. Robertson misinterpreted Caroline
22 Jones' Erythrocyte Sedimentation Rate (ESR) and negligently increased her dosage of
23 prednisone to 100 mg per day. The complications suffered by Caroline Jones' from the
24 extended intake of the high dosage of prednisone include but are not limited to:
25 weakened immune system; steroid myopathy that manifested by her muscle weakness,
26 falls, and a change from her being in an ambulatory status to having to enter
27
28

1 rehabilitation; using assisted devices; worsening control of her Type 2 diabetes;
2 surgeries to threat a colovesicular fistula; chronic urinary tract infections which were
3 recurrent and multi-drug resistant; and, contraction of Mycobacterium Avium-
4 Intracellulare Complex.
5

6 III.

7 Some of the Defendants may be liable under the theory of respondeat superior,
8 some Defendants may be liable due to actual, ostensible or implied agency
9 relationships, and some Defendants may be liable because of acts done by other
10 Defendants in furtherance of their marital communities.
11

12
13 IV.

14 As a direct and proximate result of said negligence, Plaintiff Caroline Jones has
15 undergone undue pain and suffering, underwent a surgery, and continues to suffer from
16 significant medical issues. Plaintiff D.L. Jones, has lost the love, affection, support,
17 care, comfort, and society provided by his loving wife.
18

19 WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of
20 them, in such an amount as will justly compensate them for their damages, for the cost
21 of this action and for all such further relief as this Court deems just and reasonable.
22

23 COUNT TWO

24 I.

25 Plaintiff realleges each and every allegation contained in Count One as though
26 fully set forth herein.
27

28 II.


1 The true names or capacities, whether individual, corporate,
2 partnership, associate or otherwise of the fictitious defendants, are unknown to Plaintiffs
3 who therefore sue said defendants, and each of them, by such fictitious names.

4 Plaintiffs are informed and believe and thereon state that each of the defendants
5 designated fictitiously herein is responsible for the events and happenings herein
6 alleged. The precise nature of such responsibilities are unknown to Plaintiffs but were
7 known to Defendants and each of them. Said Defendants wantonly, recklessly, and in
8 total reckless and unreasonable disregard for the safety of Plaintiff acted in such a way
9 so as to unreasonably expose Caroline Jones to probable serious harm.
10

11
12 WHEREFORE, Plaintiffs pray for judgment against the defendants, and each of
13 them, in an amount which will compensate them for their damages sustained herein, for
14 the costs of this action, and for such other and further relief as the court deems just and
15 reasonable.
16

17 DATED this 18th day of February 2016.

18 MERCALDO LAW FIRM
19

20 By 
21 Ronald D. Mercaldo
22 Marco B. Mercaldo
23 Carlo N. Mercaldo
24 Attorneys for Plaintiffs

25 Original filed with the court
26 this 18th day of February, 2016:

27 Clerk, Cochise County Superior Court
28

1 Copy hand-delivered by messenger:

2 Judge Elledge's Chambers

3 Copies mailed via US Mail this 18th
4 Day of February, 2016, to:

5 Cassandra V. Meyer
6 The Cavanagh Law Firm
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15 By 